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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,435	02/08/2002	Jason C. Shermer	0275S-000563	2587
27572	7590	03/15/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			RHEE, JANE J	
		ART UNIT	PAPER NUMBER	1745

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,435	SHERMER ET AL.	
	Examiner Jane Rhee	Art Unit 1745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 December 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 and 13-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11, 13-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Rejection Withdrawn***

1. The Double patenting rejection of claims 1-23 over claims 1-10 of co-pending Application No. 11/099,254 has been withdrawn due to the terminal disclaimer filed on 12/28/2005.

***Rejections Repeated***

2. The 35 U.S.C. 103(a) rejection of claims 1,7-17,20 over Martin et al. in view of Simons has been repeated for the reasons previously made in office action 9/30/2005.

3. The 35 U.S.C. 103(a) rejection of claims 2-6,18-19,21-23 over Martin et al. in view of Simons and in further view of Pearce has been repeated for the reasons previously made in office action 9/30/2005.

***Response to Arguments***

4. Applicant's arguments filed 12/28/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Simons fails to disclose or suggest "wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimensions than the first configuration, Simons teaches first segments defining regions of weakened material, wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimension than the first

configuration (figure 1 number 4) for the purpose of providing multiple sizes of the sandpaper (col. 2 lines 48-60). Simon teaches that sandpaper 1 in figure 1 comprises score lines 4. The score lines 4 creates multiple configurations of the sandpaper wherein each configuration creates different external dimensions such as if the top right quarter of the sandpaper was removed then an external L-shaped dimension would have been created. Also, if the top half of the sandpaper was removed then a smaller rectangular configuration would have been created. Furthermore, if three quarters of the sandpaper were removed then a small square sandpaper would have been created. Therefore, Simon teaches first segments defining regions of weakened material, wherein the sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimension than the first configuration (figure 1 number 4) for the purpose of providing multiple sizes of the sandpaper (col. 2 lines 48-60).

In response to applicant's argument that Pearce fails to disclose that the abrasive sheet includes a tip portion and second and third segments of weakened material, separation of the sheet along the second segment separates a first tip portion having a first tip configuration from the first body portion having a first body configuration and separation of the sheet along the third segment separates a second tip portion having a second tip configuration that is different from the first tip configuration, Martin et al. discloses a universal sheet comprising a sheet material having an abrasive material disposed on a face (figure 1 number 3) and having a body portion (figure 1 number 1)

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and a tip portion (figure 1 number 11), the tip portion being separable from the body portion (figure 1 number 7) along a first and second segment and defining a separate region of the sheet material relative to the body portion (figure 1 number 7), the body portion being provided with a first configuration adapted to be used with a first platen configuration (figure 1 number 1). Martin et al. fail to disclose a third segment that separates a second tip portion having a second tip configuration that is different from the first tip configuration. Pearce teaches a plurality of segments that define regions of weakened material wherein the sheet is adapted to be separated along two different segments (figure 1 number 2 and 2') for the purpose to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Martin et al. with a third segment that separates a second tip portion having a second tip configuration that is different from the first tip configuration in order to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
March 7, 2006



PATRICK JOSEPH RYAN  
SUPERVISORY PATENT EXAMINER